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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,360	09/26/2003	Anthony M. Talarico	13311-4	3040
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EXAMINER				
GOODWIN, JEANNE M				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/672,360

Applicant(s)

TALARICO, ANTHONY M.

Examiner

Jeanne-Marguerite Goodwin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6, 12, 14, 19 and 23 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over US 4860267 to Herrington et al. [hereinafter Herrington] in view of JP 5,5124,092A to Tokunaka et al. [hereinafter Tokunaka].

Regarding claims 1 and 12: Herrington discloses an apparatus for maintaining cleaning service information comprising: a chassis (3) mountable on a wall of a facility (waste container) being maintained periodically cleaned by a janitorial service; at least one electronic display (5) on said chassis (3), said display (5) for displaying a time when said waste container was last maintained cleaned, e.g., if the display has the time of three days on it and the timer is set to go off every seven days, than one can determine that it has been 4 days since the trash was last collected; a central processing unit (10, 14) and a clock and connected to said display and for updating said display based on a user-input (8, 9) received from an input device connected to said central processing unit, said user-input being received at a time substantially coterminous with said time when said facility was last maintained cleaned; and said display configured to continue to display a fixed time, being said time when said facility was last cleaned, until said fixed time is changed by receipt of a subsequent user-input. Herrington discloses all the subject matter claimed by applicant with the exception of the limitation stated in claims 1 and 12, i.e., a display

displaying a fixed time. Tokunaka discloses a device comprising a first display for displaying the current time at all times and a second display for displaying the appointed date and time to be set by a digital timer, wherein the lapse time from the appointed time or the time deducting this lapse time from a fixed time is automatically displayed when the appointed time is reached. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add the first time display assembly, as taught by Tokunaka, to the device of Herrington, in order to achieve the convenience for users by always displaying the current time, as already suggested by Tokunaka (Abstract).

Regarding claim 2: Herrington discloses all claimed subject matter except the limitation stated in claim 2, i.e., an additional display. Tokunaka discloses a device comprising a first display for displaying the current time at all times and a second display for displaying the appointed date and time to be set by a digital timer, wherein the lapse time from the appointed time or the time deducting this lapse time from a fixed time is automatically displayed when the appointed time is reached. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add the first time display assembly, as taught by Tokunaka, to the device of Herrington, in order to achieve the convenience for users by always displaying the current time, as already suggested by Tokunaka (Abstract).

Regarding claims 6 and 14: Herrington further discloses a dot-matrix display based on a technology selected from the group consisting of liquid crystal display technology.

With respect to claims 19 and 23: the method steps will be met during the normal operation of the apparatus stated above.

3. Claims 3, 8, 13 and 20, 23 finally rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington and Tokunaka further view of US 2003/0036915 to Neumann et al. [hereinafter Neumann].

Regarding claim 2: Herrington discloses all claimed subject matter except the limitation stated in claim 2, i.e., an additional display for displaying a date when said facility was last maintained. Neumann teaches using an apparatus comprising a display for a facility being maintained which indicates the respective date and time at which a check or control of the facility was made by a janitorial service. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the display system, as taught by Neumann, to the apparatus of Herrington for the purpose of providing a solution for problems of quality assurance and improvement of maintenance by using a visual display device by providing day to day maintenance of restrooms facilities or similar.

Regarding claims 3, 13 and 20: Herrington and Tokunaka disclose a device as stated above with regards to claims 1, 12 and 19, respectively. Herrington and Tokunaka disclose all claimed subject matter except the limitation stated in claim 3, i.e., an additional display for displaying a message relevant to said facility. Neumann discloses an additional display for displaying a message relevant to the facility (Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to add

Neumann's additional display to display the time that a facility was maintained in the module of Herrington and Tokunaka as a means to informing the public about important information.

With respect to claim 20: the method steps will be met during the normal operation of the apparatus stated above.

Regarding claim 8: Herrington and Tokunaka disclose a device as stated above with regards to claim 1. Herrington and Tokunaka disclose all the subject matter claimed by applicant with the exception of the limitation stated in claim 8, i.e., further comprising an antenna connected to a modem-radio unit which in turn is connected to said CPU, said modem-radio unit operable to communicate with at least one wireless-enabled remote computing device for uploading data corresponding to a history of times when said input device was actuated. Neumann teaches a modem-radio unit operable (Figs. 1 and 3) to communicate with at least one wireless-enabled remote computing device (Fig. 1) for uploading data corresponding to a history of times when the input device was actuated. It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the infrared data transfer system of Herrington and Tokunaka with the modem-radio system as taught by Neumann, since both are an alternative type of data transfer interface which if one is replaced by the other would perform the same function of uploading/downloading data.

4. Claims 4 and 5 finally rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington, Tokunaka and Neumann as applied to claims 1-3, and further in view of US 6,483,779 to Teixeira.

Regarding claim 4: The combination of Herrington, Tokunaka and Neumann discloses all claimed subject matter as stated above. The combination of Herrington, Tokunaka and Neumann disclose all claimed subject matter except the limitation stated in claim 4, i.e., a message including a trademark. Teixeira teaches using a display to display a message a patent, etc. (col. 4, lines 15-21). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the display system of Teixeira, to the apparatus of the combination of Herrington, Tokunaka and Neumann for the purpose of providing a means to contacting the service company in case of an emergency or to call for services.

Regarding claim 5: The combination of Herrington, Tokunaka and Neumann discloses all claimed subject matter as stated above. The combination of Herrington, Tokunaka and Neumann disclose all claimed subject matter except the limitation stated in claim 5, i.e., the facility being a public transportation depot and said additional display is operable to display departure and arrival information of transportation vehicles associated with said depot. Teixeira teaches a display is operable to display departure and arrival information of transportation vehicles associated with said depot (col. 4, lines 15-21). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the display of Teixeira to the apparatus of combination Herrington, Tokunaka and Neumann for the purpose of providing a display to inform the public of departure and arrival of transportation vehicles associated with the depot.

5. Claims 7 and 15 finally rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington, Tokunaka and Neumann as applied to claims 1 and 12 above, and further in view of US 4769765 to Green.

Regarding claims 7 and 15: Herrington, Tokunaka and Neumann disclose an input device including a buttons (8, 9). The combination of Herrington, Tokunaka and Neumann disclose all claimed subject matter except the limitation stated in claim 7, i.e., the input device being selected from the group consisting of a lock-switch, a magnetic card reader and an RF tag reader; and the limitation stated in claim 15, i.e., the user-input being received from an input device, said input device being selected from the group consisting of a lock-switch, button, a magnetic card reader, an RF tag reader, a barcode reader, a wireless device, a cellular phone and any combination thereof. Green teaches an input device selected from a group consisting of a lock-switch, a magnetic card reader and RF tag reader (col. 2, lines 12-15). It would have been obvious to one of ordinary skill in the art at the time to add the input device, as taught by Green, to the combination of the apparatus disclosed by Herrington, Tokunaka and Neumann, in order to provide a key or card containing information that may be set at times that the equipment may be operated if buttons are inoperable.

6. Claim 9, 10, 16, 17, 18, 21, 22 finally rejected under 35 U.S.C. 103(a) as being unpatentable Herrington and Tokunaka in further view of Neumann.

Regarding claim 9: Herrington and Tokunaka disclose all claimed subject matter except the limitation stated in claim 9, i.e., a data communication port. Neumann discloses a data communication port for connecting to a processor, said communication

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port unit [0073] operable to communicate with at least one remote computing device for uploading data corresponding a history of times when said input device was actuated. It would have been obvious to one of ordinary skill in the art at the time of the invention was made add the data communication port, as taught by Neumann, to the device of Herrington and Tokunaka, in order to be able to uploading/downloading data.

Regarding claims 10 and 16: Herrington and Tokunaka disclose all claimed subject matter except the limitation stated in claim 10, i.e., the remote computing device is operable to update the clock. Neumann discloses the remote computing device is operable to update the clock. It would have been obvious to one of ordinary skill in the art at the time of the invention was made add the remote computing device, as taught by Neumann, to the device of Herrington and Tokunaka, in order to be able remote update the clock.

With respect to claim 21: the method steps will be met during the normal operation of the apparatus stated above.

Regarding claim 17: Herrington and Tokunaka disclose all claimed subject matter except the limitation stated in claim 17, i.e., uploading of said data occurring at a time substantially coterminous with when said input device is actuated. Neumann discloses uploading of said data occurring at a time substantially coterminous with when said input device is actuated. It would have been obvious to one of ordinary skill in the art at the time of the invention was made add the uploading feature, as taught by Neumann, to the device of Herrington and Tokunaka, in order to maintain accurate cleaning history.

With respect to claim 22: the method steps will be met during the normal operation of the apparatus stated above.

Regarding claim 18: Herrington and Tokunaka disclose all claimed subject matter except the limitation stated in claim 18, i.e., s a remote computing device being a server capable of monitoring multiple instances of said apparatus. Neumann s a remote computing device being a server capable of monitoring multiple instances of said apparatus. It would have been obvious to one of ordinary skill in the art at the time of the invention was made monitoring feature, as taught by Neumann, to the device of Herrington and Tokunaka, in order to maintain accurate cleaning history.

Response to Arguments

7. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.

/Vit W. Miska/

Primary Examiner, Art Unit 2833

/Jeanne-Marguerite Goodwin/
Examiner, Art Unit 2833
March 30, 08